



To the Honorable Council
City of Norfolk, Virginia

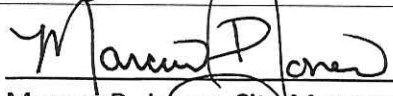
January 14, 2014

From: George M. Homewood, AICP, CFM, Acting
Planning Director

Subject: Special Exception to allow
resumption of a nonconforming use at
1700 Kingston Avenue – Arthur
Hopkins

Reviewed: 
Ronald H. Williams, Jr., Assistant City
Manager

Ward/Superward: 2/5

Approved: 
Marcus D. Jones, City Manager

Item Number: R-1

I. **Recommendation:** Denial, considering the extent of nonconformities of the proposed use and existing structure as well as the lack of architectural or historic significance of the structure.

II. **Applicant:** Arthur Hopkins
1700 Kingston Avenue

III. **Description**
The request is to allow the resumption of a nonconforming eight-unit multi-family use in a nonconforming structure that has been vacant for more than two years.

IV. **Analysis**
Plan Analysis

- This site is designated as Residential Mixed in *plaNorfolk2030*, allowing a greater variety of housing types than generally found in other residential land use categories and buildings that are similar in scale, no matter the use.
 - The proposed Special Exception would establish a use that would be appropriate in the Residential Mixed category.

Zoning Analysis

- The site is located in an R-12 (Medium Density Multi-Family) zoning district, which requires 17,600 square feet of lot area for an 8-unit building, and the BFRPO (Bayfront Residential Parking Overlay) district, which requires 20 parking spaces for a building.
- The City's records indicate that the eight-unit structure was built in 1965, prior to adoption of current zoning regulations, and has been vacant for more than two years.

- In the R-12 district a Special Exception is required for any multi-family development containing seven or more units.
 - This property does not have a Special Exception and therefore the proposed use is nonconforming.
- In June, 2012, the Norfolk Board of Zoning Appeals denied an appeal filed by the applicant to overturn the decision of the Zoning Administrator that the nonconforming use, after being vacant for more than two years, could not be re-established.
 - The Circuit Court of Norfolk denied the applicant's appeal of the Board of Zoning Appeals decision.
 - The applicant's attorney has filed a petition for an appeal of the Norfolk Circuit Court's decision with the Supreme Court of Virginia.
- The *Zoning Ordinance* provides in Section 12-9 that nonconforming uses that are discontinued for a period of two years shall not be renewed or reestablished and any subsequent use of the lot and all structures located on the lot shall conform to the use restrictions of the zoning district in which it is located, unless a Special Exception is granted.
- The structure is nonconforming as to multiple current development standards contained within the *Zoning Ordinance*, including lot width, lot area, lot area per dwelling unit, yard requirements, landscape requirements, parking and usable open space.
 - The residential lot is only large enough under current regulations to be developed with either a single-family or two-family use.
- Off-street parking is inadequate.
 - All of the parking spaces shown on the applicant's survey require maneuvering space into the adjoining street and alley or they do not meet current dimensional requirements.
 - In 1995, a City-initiated street improvement project established four parking spaces along Kingston Avenue with a 32 foot wide driveway apron.
- A Special Exception may be granted upon finding that the resumption of the nonconforming use complies with the general standards and considerations for Special Exception uses contained in section 25-7 of the *Zoning Ordinance*.
 - A review of the general standards and considerations in Section 25-7 indicates that the proposed use does not conform because the extent and degree of the nonconforming development standards will adversely affect the surrounding properties by increasing the demand for on-street parking and usable open space.
- This type of Special Exception has been used in the past to preserve buildings with architectural or historic significance, which this building lacks.

Traffic Analysis

- If the use of the 8-unit apartment is resumed, it will be expected to generate approximately 53 daily vehicle trips.

V. Financial Impact

The applicant is current on all real estate taxes.

VI. Environmental

- The lack of sufficient parking and on-site open space may be an issue for the community and nearby properties.
 - The lack of these amenities in existing apartment communities has been identified as a problem in the past, leading the City to acquire property so that the units could be demolished.

VII. Community Outreach/Notification

- Legal notice was posted on the property on July 16.
- Letters were sent to the Cottage Line and Bayview Civic League Presidents on August 2.
- Letters were mailed to all property owners within 300 feet of the property on August 9.
- Notice was sent to the civic leagues by the Department of Communications on August 6.
- Legal notification was placed in *The Virginian-Pilot* on August 8 and 15.
- The Planning Commission Public Hearing was held on August 22, 2013.
- Public notification for this agenda item was conducted through the City of Norfolk's agenda notification process.

VIII. Board/Commission Action

By a vote of **0 to 5**, the Planning Commission recommended that the request for Special Exception be **denied**.

VIII. Coordination/Outreach

This letter has been coordinated with the Department of Planning and Community Development and the City Attorney's Office.

Supporting Material from the Department of Planning and Community Development:

- Proponents and Opponents
- Ordinance
- Location Map
- Zoning Map
- Photo of the Existing Structure
- Application
- Survey/Site Plan
- City of Norfolk Driveway Permit
- Letter to the Cottage Line Civic League
- Letter to the Bayview Civic League
- Letter of Support from the Bayview Civic League
- Three Letters of Opposition from Citizens
- Petition of Support by Arthur Hopkins

Proponents and Opponents

Proponents

Arthur Hopkins – Applicant
1623 Kingston Avenue, Apt 2
Norfolk, VA 23503

Opponents

James M. Bennett
1639 E. Ocean View Avenue
Norfolk, VA 23503

Dera Montague
1640 Kingston Avenue
Norfolk, VA 23503

Edward Montague
1640 Kingston Avenue
Norfolk, VA 23503

Kurt Teller
1701 E. Ocean View Avenue
Norfolk, VA 23513

Form and Correctness Approved:

By Adrian M. H.
Office of the City Attorney

Contents Approved:

By
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

R-1
AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT THE RESUMPTION OF A NONCONFORMING, MULTIPLE-FAMILY RESIDENTIAL USE ON PROPERTY LOCATED AT 1700 KINGSTON AVENUE.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted authorizing the resumption of a nonconforming, multiple-family residential use on property located at 1700 Kingston Avenue. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 52 feet, more or less, along the northern line of Kingston Avenue, beginning 450 feet, more or less, from the western line of Grove Avenue and extending westwardly; premises numbered 1700 Kingston Avenue.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) No more than eight (8) dwelling units shall be permitted on the property.
- (b) The only use permitted on the property shall be the residential use of "Multiple-Family (7 or more units)."
- (c) Bushes shall be planted in front of the building and parking spaces shall be established in accordance with the plan attached hereto and marked as "Exhibit A." Both the bushes and the parking area shall be maintained as shown on the plan.
- (d) A detailed work plan, addressing all renovations

necessary to satisfy building code and property maintenance code requirements for all eight (8) dwelling units, shall be submitted to the Department of Planning within 60 days of the date of adoption of this ordinance.

- (e) No work shall commence on the building until the work plan submitted to the Department of Planning has been approved.
- (f) All work described in the approved work plan shall be fully completed and all required inspections passed within 18 months of the date of adoption of this ordinance.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and

services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:
Exhibit A (1 page)

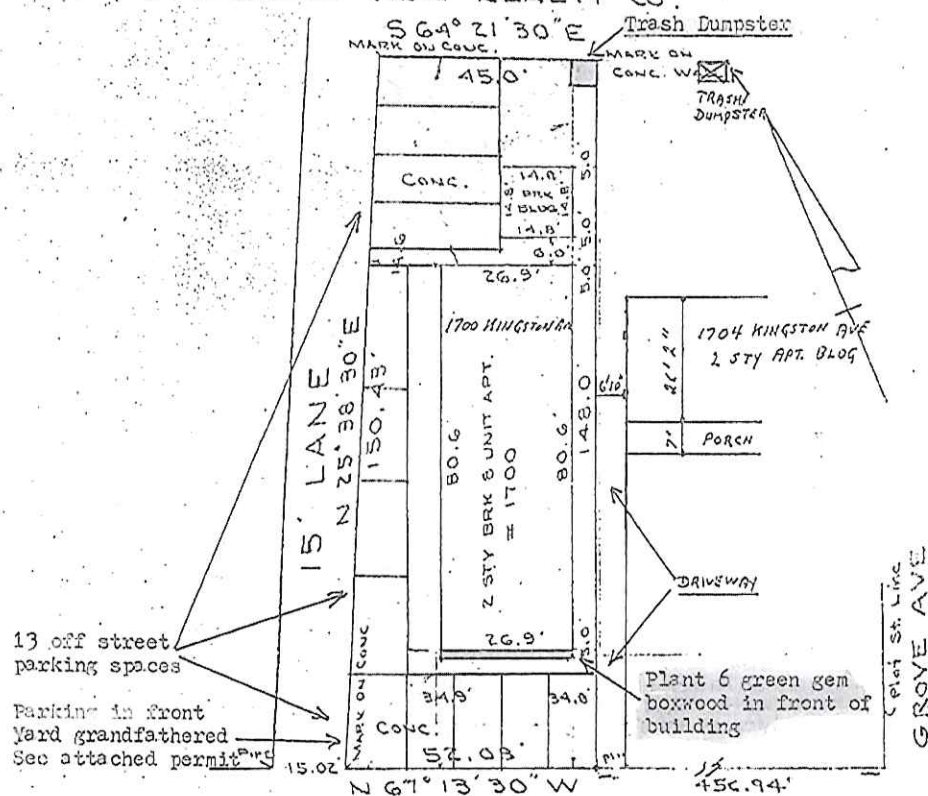
THIS IS TO CERTIFY THAT I, ON FEBRUARY 21, 1966 SURVEYED THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE TITLE LINES AND THE WALLS OF THE BUILDINGS ARE AS SHOWN ON THIS PLAT.

THE BUILDINGS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OF OTHER BUILDINGS ON THE PROPERTY, EXCEPT AS SHOWN.

SIGNED

C. A. Bamforth, Jr.

OCEAN VIEW REALTY CO.



KINGSTON AVENUE 50'

PHYSICAL SURVEY
OF

LOT 10 PLAT "A" OF SUBDIVISION OF
PROPERTY OWNED BY J.C. JONES SAND CO., INC.
NORFOLK, VA.

FOR
A. W. HOPKINS

SCALE 1" = 30'

C. A. BAMFORTH
SURVEYOR

FEB 21, 1966

5172 OVERLAND ROAD

VIRGINIA BEACH, VA.

SURVEY FROM PLAT RECORDED MAP BK 13 P. 38 NORFOLK, VA.

171-57

Wilder, Shelia

From: Whitehurst, Tammy
Sent: Tuesday, November 26, 2013 2:23 PM
To: Daughtrey, Breck
Cc: Wilder, Shelia; Bull, Allan; Hasick, Tracey
Subject: FW: Special Exception Continuation

Please see the message below from Mr. Hopkins. He would like to continue his Special Exception item (R-1) scheduled on the Council docket for November 26, 2013. Mr. Hopkins is 93 years old and is worried about driving conditions during the inclement weather predicted for this evening.

Thank you,

Tammy Whitehurst
Department of Planning and Community Development

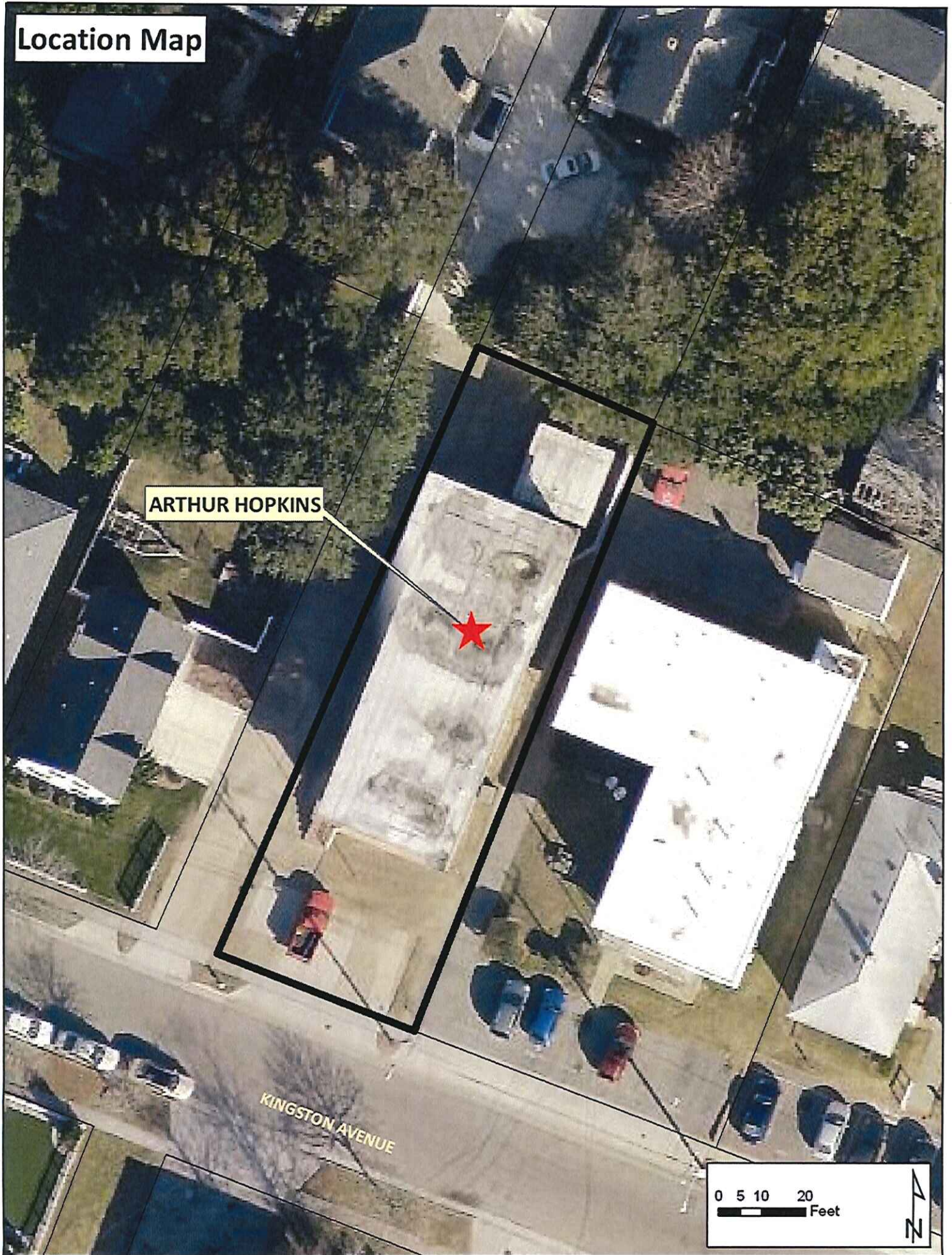
From: Arthur Hopkins [mailto:arthurhopkins44@yahoo.com]
Sent: Tuesday, November 26, 2013 2:04 PM
To: Whitehurst, Tammy
Subject: Special Exception Continuation

Dear Tammy;

Please continue my Special Exception application for 1700 Kingston Avenue that is scheduled to be presented to City Council at 7:00 PM. Tuesday, November 26, 2013. This request is due to strong storm conditions projected to be in the area. Thanks

Arthur W. Hopkins
757 587-9927

Location Map



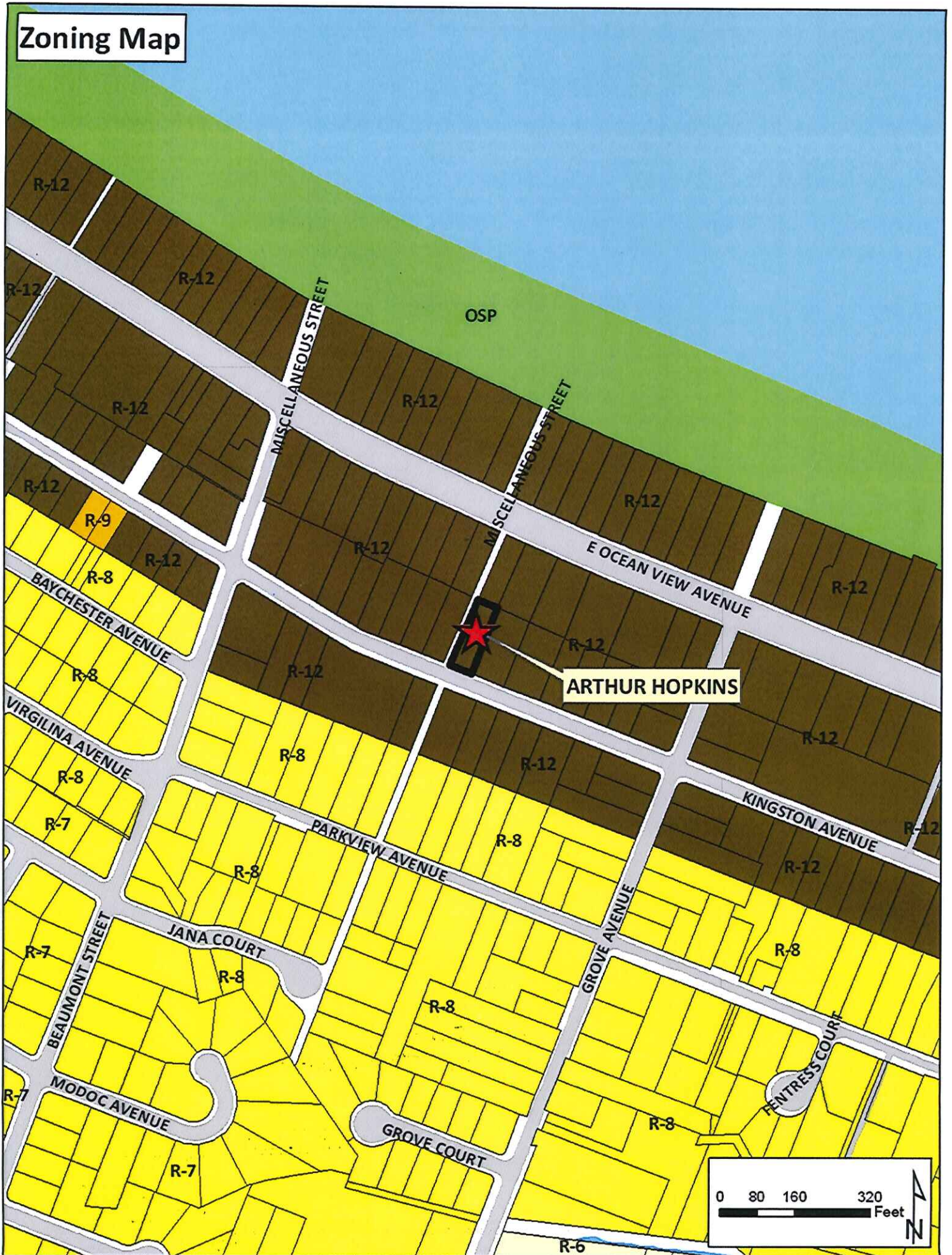
ARTHUR HOPKINS

KINGSTON AVENUE

0 5 10 20
Feet



Zoning Map







City of Norfolk

APPLICATION SPECIAL EXCEPTION

Special Exception for:

Date of application:

DESCRIPTION OF PROPERTY

Property location: (Street Number) (Street Name)

Existing Use of Property

Current Building Square Footage

Proposed Use

Eight family apartment building. This site is currently zoned multi-family (R-12) and the building was renovated May 2012 and has more than one off street parking space for each unit. Electric and telephone service is underground.

Proposed Square Footage

Proposed Hours of Operation:

Weekday From To

Friday From To

Saturday From To

Sunday From To

Trade Name of Business (If applicable)

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

APPLICANT/ PROPERTY OWNER

1. Name of applicant: (Last) (First) (MI)

Mailing address of applicant (Street/P.O. Box):

(City) (State) (Zip Code)

Daytime telephone number of applicant Fax number ()

E-mail address of applicant:

2. Name of property owner: (Last) (First) (MI)

Mailing address of property owner (Street/P.O. box):

(City) (State) (Zip Code)

Daytime telephone number of owner Fax number ()

CIVIC LEAGUE INFORMATION

Civic League contact:

Date(s) contacted:

Ward/Super Ward information:

REQUIRED ATTACHMENTS:

- ✓ Check for \$265.00 made payable to: Norfolk City Treasurer.
 - ✓ 2 8½x14 copies of a survey or site plan drawn to scale showing:
 - Existing and proposed building structures
 - Driveways
 - Parking,
 - Landscaping
 - Property lines (*see attached example).
-

CERTIFICATION:

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

SIGNED:

A.W. HOPKINS  7 1 10 1 13
Print Sign Date
(Property owner or authorized agent signature)

SIGNED:

A.W. HOPKINS  7 1 10 1 13
Print Sign Date
(Applicant signature)

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

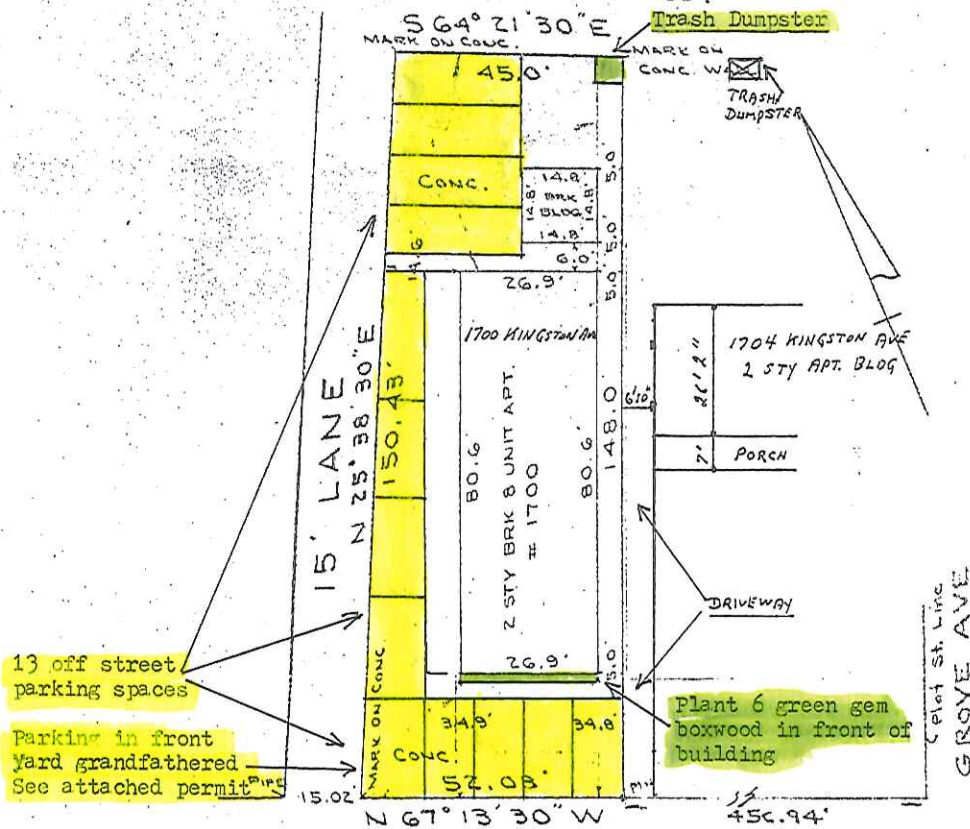
Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

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THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE TITLE LINES AND THE WALLS OF THE
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THE BUILDINGS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO
ENCROACHMENTS OF OTHER BUILDINGS ON THE PROPERTY, EXCEPT AS SHOWN.

SIGNED *C. A. Bamforth, Jr.*
OCEAN VIEW REALTY CO.



KINGSTON AVENUE 50'

PHYSICAL SURVEY
OF

LOT 10 PLAT "A" OF SUBDIVISION OF
PROPERTY OWNED BY J.C. JONES SAND CO. INC.
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FOR
A. W. HOPKINS

SCALE 1" = 30'

C. A. BAMFORTH
SURVEYOR

FEB 21, 1966

5172 OVERLAND ROAD

VIRGINIA BEACH, VA.

SURVEY FROM PLAT RECORDED MAP BK 13 Pg 38 NORFOLK, VA

121-57

Permit No. Date: MARCH, 1992

City of Norfolk
Department of Public Works
Division of Transportation
Residential Driveway Permit

Owner(s)/Authorized Agent: ARTHUR W. HOPKINS Phone: () - 587-9921623 KINGSTON AVE.

Street Address:

NORFOLK, VA 23503

Work Site:

1700 KINGSTON AVENUEDoes curb or sidewalk exist? N/AIs driveway pipe required? N/A

Driveway Description:

Number: 1Size: 32'Surface Material: CONCRETE

Site Plan is attached/in file.

Depth:

6"Conditions: NRHA - A.J. GRANT

I, the undersigned, agree that all work shall be performed in accordance with the codes and regulations of the City of Norfolk, and the approved specifications, details within 180 days from the date of this permit. Once the work has actually begun in the public right-of-way, it shall be carried out as expeditiously as possible. This permit is also subject to the following conditions:

- (1) The applicant is responsible for the proper execution of the work in its entirety. All vehicular and pedestrian traffic control shall be in accordance with the Manual on uniform Traffic Control Devices. Restoration of the public right-of-way or any utilities therein, clean-up, safety precautions during construction, and assumption of liability for all suits and actions arising from the performance of said work shall be borne by the permittee.
- (2) The property owner is responsible for maintenance of the work after completion and its removal when it is no longer functional.
- (3) All improvements pertinent to access control, pavements, and drainage shown on the approved site plan must be provided.
- (4) When work is necessary within the dripline (outer edge of branches) of any public tree, this permit must be co-signed by the City Forester before it becomes valid. The City Forester is located at 2839 Dana Street and can be reached at 441-2435.
- (5) Violation of any permit condition will be reasonable cause for revocation.

I have read this entire permit and agree to adhere to all conditions.

HOPKINS

Company: _____ (Print) Owner/Agent: _____ Signature

For Department Use Only

Permit Fee: \$ <u>20.00</u>	Approved By: _____	Date: <u>11</u>
Other Cost: \$ <u>0.00</u>	(for the Director)	
Total: \$ <u>20.00</u>	Inspected By: _____	Date: <u>11</u>

This permit is not valid unless signed by the property owner or authorized agent and approved by the Director of Public Works.

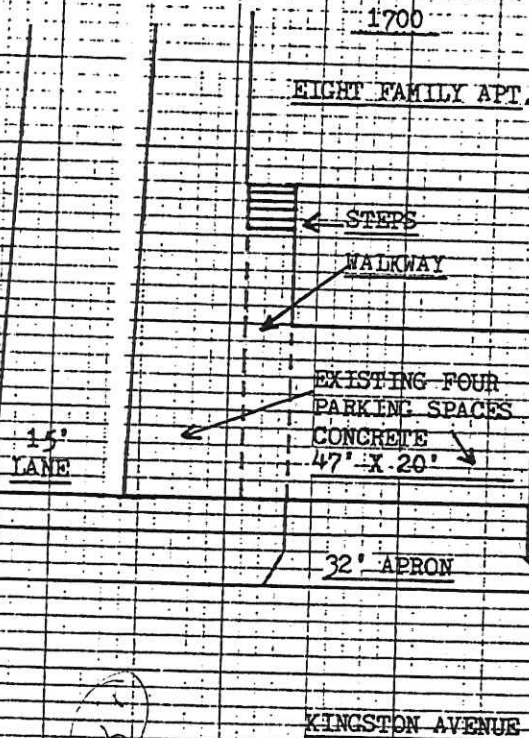
WORK AUTHORIZED BY THIS PERMIT IS SUBJECT TO INSPECTION BY THE DEPARTMENT OF PUBLIC WORKS.
CALL * 441-2437 * 48 HOURS PRIOR TO POURING FOR INSPECTION.

Work done under a temporary permit is not considered a permanent improvement. It may be removed by the owner or the City at the owner's expense. Any damage or unapproved alterations to the public right-of-way will be repaired at the owner's expense. Under City Code 42.9 (D) "All such driveways shall be constructed under the supervision of the Director of Public Works subject to such conditions as he may prescribe as to materials used and manner of construction and all paving and repaving when necessary, shall be done at the expense of the person receiving such permit. If a sidewalk is crossed by such driveway, it shall be the duty of the owner of such driveway to keep the sidewalk in good repair at his own expense. When any such driveway is discontinued, the owner of the abutting property shall remove it, if it is on City property and shall restore any such sidewalk and curbing, if the curbing was lowered to accommodate the driveway, in accordance with the established street and sidewalk pattern."

EROSION AND SEDIMENT CONTROL - This permit shall serve as the land disturbing activity permit as required by City Code Chapter 15 - "Erosion and Sediment Control." This permit authorizes land disturbing activities within areas shown on the attached site plan. Prior to commencing land disturbing activities in areas other than indicated on these plans, the contractor shall submit a supplementary or additional erosion control plan for review and approval by the City.

USE THIS GRAPH TO DIAGRAM YOUR OFF-STREET PARKING

1700 Kingston Avenue
(Return With Proposal)



EXISTING 47' OFF-STREET PARKING AREA AND ASSOCIATED 47' APRON APPROVED AND ACCEPTED BY THE CITY MORE THAN 28 YEARS AGO AND ISSUED A CERTIFICATE OF OCCUPANCY TO THIS EFFECT. PARKING AREA AND APRON EXTEND 47' ACROSS THE FRONT OF PROPERTY TO ACCOMMODATE FOUR PARKING SPACES. BOTH AREAS CONSTRUCTED OF CONCRETE AND HAVE BEEN IN CONTINUOUS USE SINCE ACCEPTANCE. REQUIRE ONE 32' APRON, AS SHOWN, TO PERMIT ACCESS FOR THREE VEHICLES ON THE EAST SIDE OF WALKWAY. ACCESS FOR ONE VEHICLE, ON THE WEST SIDE OF WALKWAY, CAN BE FROM THE 15' lane.

SCALE 1" = 20'



City of NORFOLK

August 2, 2013

Vic Yurkovic
President, Cottage Line Civic League
1816 East Ocean View Avenue
Norfolk, VA 23503

Dear Mr. Yurkovic:

The Planning Department has received an application for a Special Exception to permit the resumption of a nonconforming use for a multi-family structure located at 1700 Kingston Avenue. This item is tentatively scheduled for the August 22, 2013 City Planning Commission public hearing.

Summary

The request is to allow a nonconforming apartment building, with eight dwelling units, to resume full occupancy after being vacant for more than two years.

If you would like additional information on the request, you may contact the applicant at (757) 587-9927 or you may telephone Lenny Newcomb on my staff at (757) 664-4764. A copy of the complete application is enclosed, along with a map showing the location of the property and a recent photo of the building.

Sincerely,

Frank M. Duke, AICP
Planning Director

cc: Carlton Ransom, Neighborhood Development Specialist



City of NORFOLK

August 1, 2013

Linda Lundquist
President, Bayview Civic League
9529 Chesapeake Street
Norfolk, VA 23503

Dear Ms. Lundquist:

The Planning Department has received an application for a Special Exception to permit the resumption of a nonconforming use for a multi-family structure located at 1700 Kingston Avenue. This item is tentatively scheduled for the August 22, 2013 City Planning Commission public hearing.

Summary

The request is to allow a nonconforming apartment building, with eight dwelling units, to resume full occupancy after being vacant for more than two years.

If you would like additional information on the request, you may contact the applicant at (757) 587-9927 or you may telephone Lenny Newcomb on my staff at (757) 664-4764. A copy of the complete application is enclosed, along with a map showing the location of the property and a recent photo of the building.

Sincerely,

Frank M. Duke, AICP
Planning Director

cc: Carlton Ransom, Neighborhood Development Specialist

Pollock, Susan

From: Newcomb, Leonard
Sent: Thursday, August 08, 2013 8:16 AM
To: Pollock, Susan
Subject: FW: Special Exception

From: Linda Lundquist [mailto:linda.lundquist@ymail.com]
Sent: Wednesday, August 07, 2013 8:28 PM
To: Linda Lundquist; Newcomb, Leonard
Cc: Arthur Hopkins
Subject: Re: Special Exception

Please excuse my not signing out properly after the email just sent. My computer has a very sensitive mouse and it decided to send the email before I finished.

Should you have any questions, I can be reached at 201-8058.

Warm regards,
Linda Lundquist
President, Bayview Civic League

From: Linda Lundquist <linda.lundquist@ymail.com>
To: "lenny.newcomb@norfolk.gov" <lenny.newcomb@norfolk.gov>
Cc: Arthur Hopkins <arthurhopkins44@yahoo.com>
Sent: Wednesday, August 7, 2013 8:22 PM
Subject: Re: Special Exception

Mr. Newcomb -

The Bayview Civic League Board of Directors met last night. Mr. Hopkins shared his application and answered our questions about his special exception request. Mr. Hopkins did an excellent job of summarizing our discussion last night - he listed and shared the outcome regarding our four major concerns. We concluded that we have no objection. We pride ourselves on the diversity in our neighborhood and his apartments provide affordable, micro housing with off-street parking and safe utility service. We wish Mr. Hopkins well in that endeavor.

From: Arthur Hopkins <arthurhopkins44@yahoo.com>
To: "lenny.newcomb@norfolk.gov" <lenny.newcomb@norfolk.gov>
Cc: "linda.lundquist@ymail.com" <linda.lundquist@ymail.com>
Sent: Wednesday, August 7, 2013 12:04 PM
Subject: Special Exception

Dear Mr. Newcomb,

I attended the Bay View Civic League Board of Directors meeting, August 6, 2013, to discuss the special exception application for my eight family apartment building located

at 1700 Kingston Avenue. Board members raised a number of issues such as increased density, off street parking, electrical requirements and inspections. All issues were addressed as follows:

1. Density. There would be no increase in density, the building would only be used and rented as a eight family apartment, the same as it had originally been built and used in the past.

2. Off Street Parking. There are thirteen off street parking spaces for this building. Over one and a half spaces for each apartment. Parking has been more than adequate as indicated by past experience.

3. Electrical Requirements. Each apartment has up to date electrical installation consisting of 100 ampere service, circuit breakers and electric baseboard heat. Electric and telephone service is underground.

4. Inspection. The City requires a electrical inspection if the service has been disconnected for more than ninety days. Virginia power will not provide service until inspected and notified by the City.

All issues and questions were answered to the Boards satisfaction and there was no objections to granting a Special Exception for using 1700 Kingston Avenue as a eight family apartment building.

Please make this information a part of the Special Exception Application and convey this to the Planning Commission. Thank you.

Sincerely,

Arthur W. Hopkins
757 587-9927

James & Joan M. Bennett
1639 E. Ocean View Avenue
Norfolk, Virginia 23503

(757) 588-0455

17 July 2013

Department of Planning
Attention: Susan McBride
810 Union Street
Norfolk, Virginia 23510

Re: Arthur Hopkins, 1700 Kingston Avenue, Norfolk, Va. 23503
City of Planning Commission Public Hearing

Dear Susan:

Thank you for taking the time to speak to me this morning. As we discussed I am forwarding to you the following documents in reference to the abovematter presently set on the Planning Commission's docket for 22 August 2013 at 2:30 p.m.

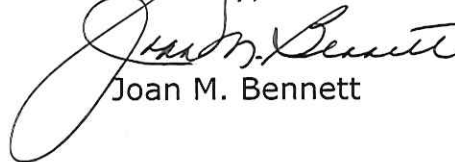
- Board of Zoning Appeals Application that was denied
- Location and Zoning Map/Picture of Property
- Copy of Leonard M. Newcomb's letter dated April 23, 2013
- Copies of letters from surrounding residents
- Copy of Norfolk Circuit Court Order denying Mr. Hopkins' Motion to Rehear and Set Aside Verdict

Since the onset of this matter, Mr. Hopkins has appealed this matter from the Zoning Commission to the Norfolk Circuit Court, and is now in the process of appealing that Court's decision.

As stated in our letter of July 10, 2012, we have lived in our present home since November 1989, and can adamantly attest to the fact that no one has lived in 1700 Kingston Avenue for a period in excess of 20 plus years. There is not sufficient parking either on site or off street for the aforesaid building.

Thank you for your consideration in this matter.

Sincerely,



Joan M. Bennett

JMB/Enclosures

WILMA CLARK
1636 E. OCEAN VIEW AVENUE
NORFOLK, VIRGINIA 23503

August 9, 2013

Mr. Frank M. Duke, AICP
Department of Planning
508 City Hall Building
Norfolk, Virginia 23510

Re: Arthur Hopkins, 1700 Kingston Avenue, Norfolk, Va.
Special Exception Hearing on 22 August 2013


Dear Mr. Duke:

This will acknowledge receipt of the City's letter with regards to Mr. Hopkins' request for a Special Exception for the opening of his property located at 1700 Kingston Avenue, Norfolk, Virginia. As a homeowner in Ocean View I am extremely OPPOSED to the opening of same for the following reasons:

1. Insufficient Parking both on Kingston Avenue and Ocean View Avenue, and
2. Property has been vacant for over 20 years.

I am therefore respectfully requesting that Mr. Hopkins' request be DENIED.

Thank you for your consideration in this matter.

Sincerely,

Wilma Clark

MYRTLE O. DORMAN
1704 E. OCEAN VIEW AVENUE
NORFOLK, VIRGINIA 23503

9 August 2013

Mr. Frank M. Duke, AICP
Department of Planning
508 City Hall Building
Norfolk, Virginia 23510

Re: Arthur Hopkins – Special Exception Hearing August 22, 2013

Dear Mr. Duke:

Please be advised that I am in receipt of the City's letter with regards to Mr. Hopkins filing for a Special Exception for the property located at 1700 Kingston Avenue, Norfolk, Virginia.

Please be further advised that I am OPPOSED to this as there is not sufficient parking, and the building has not been open for the last 20 years.

Thanking you for your attention in this matter.

Sincerely,


Myrtle O. Dorman

August 1, 2013

Leonard M. Newcomb III
Zoning Administrator
Department of Planning
5th Floor, Room 508
City Hall Building
810 Union Street
Norfolk, Virginia 23510

Re: Special Exception

Dear Mr. Newcomb:

I have contacted every property owner in the 1600 and 1700 block of Kingston Avenue except the owners of 1626, which is in foreclosure, and 1640, either in person or by phone. There are 17 multifamily and 11 single family properties in these two blocks. No contacted property owner had objections to the resumption of 1700 Kingston Avenue as a eight family apartment building as indicated by the three attached sheets.

Please make this letter a part of the Special Exception Application and convey this information to the Planning Commission. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Arthur W. Hopkins".

Arthur W. Hopkins
1623 Kingston Avenue
Apt. 2
Norfolk, Virginia 23503-2425
Tel: 757 587-9927

NOTICE

The Norfolk City Planning Commission will hold a public hearing on August 22, 2013 at 2:30 p.m. in the City Council Chamber, 11th floor, City Hall Building, Civic Center, Norfolk, Virginia to consider the following applications.

REGULAR AGENDA

8. ARTHUR HOPKINS, for a Special Exception to allow a substantial renovation of a nonconforming structure and resumption of a nonconforming use in accordance with the provisions of section 25-10.11 of the Zoning Ordinance, property fronts 52 feet, more or less, along the northern line of Kingston Avenue, beginning 450 feet, more or less, from the western line of Grove Avenue and extending westwardly; premises numbered 1700 Kingston Avenue.

I HAVE NO OBJECTION TO 1700 KINGSTON AVENUE CONTINUING TO BE USED AS A EIGHT FAMILY APARTMENT BUILDING.

<u>OWNERS NAME</u>	<u>ADDRESS</u>	<u>DATE</u>
Brendy Egnal	1619 Kingston Avenue	July 18, 2013
Robert Thomas	1639 Kingston Avenue	7/18/2013
Ralph + Mary Peters	1614 Kingston Ave.	7-20-2013
Kayce Cover	1719D Kingston Ave	7-25-2013
Charles G. Givins	1704 & 1710 Kingston Ave	449-3963 7/23/13
Lisa Edwards	1609/1609 Kingston Ave	7/24/13
Murald Swirell	1715-1711 Kingstons Ave.	7/24/13

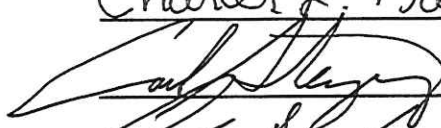
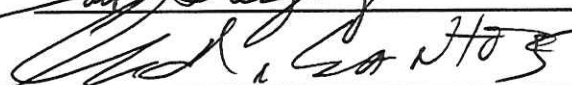
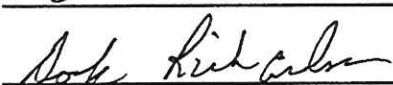
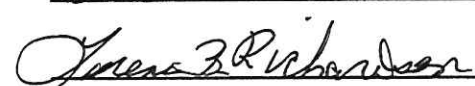
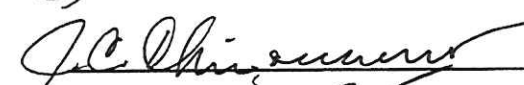

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<u>OWNERS NAME</u>	<u>ADDRESS</u>	<u>DATE</u>
Charles F. Bashore	1636 Kingston Ave	7/26/13
	1707 KINGSTON AVE	7/28/13
 1723	1723 KINGSTON AVE	7/28/13
	1724 Kingston Ave.	7/28/13
	1724 Kingston Ave	7/28/13
	1720 KINGSTON AVE	7/28/13
	1728 KINGSTON AVE	7/31/13

July 23, 2013

Department of Planning
Attention: Susan McBride
810 Union Street
Norfolk, Virginia 23510


Re: Arthur Hopkins, 1700 Kingston Avenue, Norfolk, Virginia 23503
City of Planning Commission Public Hearing (August 22, 2013)

Dear Ms. McBride:

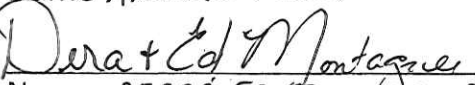
Please be advised that the undersigned are property owners and/or residents in and around the property located at 1700 Kingston Avenue, Norfolk, Virginia 23503. We understand that the owner, Arthur Hopkins, has applied for a Special Exception with regards to this property and would respectfully request that his request be denied due to the following facts:

- The building does not have adequate parking, and we ask that Mr. Hopkins comply with current zoning regulations, specifically the Bay Front Residential Parking Overlay District Requirements.
- The Zoning Board has already denied this request as well as the Norfolk Circuit Court. We understand that this matter is currently on appeal.
- That a Special Exception not be granted pursuant to the letter from the City of Norfolk signed by Leonard M. Newcomb, III, dated April 23, 2012 due to the deficiency in the width of the lot.
- Property has been vacant for 20 plus years


Thanking you for your consideration in this matter.


Name RICHARD FROST

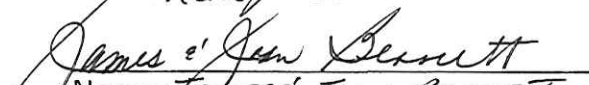
1701 KINGSTON
Address


Name DERA & ED MONTAGUE

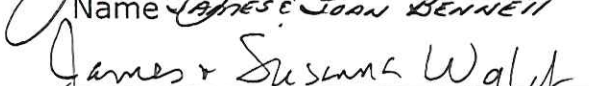
1640 Kingston Ave.
Address


Name KURT TELLER

1701 E. Ocean View Ave
Address


Name JAMES & JOAN BENNETT

1639 E. Ocean View Ave
Address


Name JAMES & SUSANNA WALSH

1635 E. Ocean View Ave.
Address

cc: Councilman Tommy Smigiel, Jr.
Councilman Barclay Winn